

MINUTES OF REGULAR MEETING HELD SEPTEMBER 28, 2021

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, September 28, 2021 at 8:00 p.m.

Mayor Brindle made the following announcements:

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 11, 2020. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Brindle, Council Members, Habgood, Parmelee, Katz, Mackey, *Contract, Dardia, and Boyes

* Councilman Contract participated via telephone.

ABSENT: Councilman LoGrippe

INVOCATION AND FLAG SALUTE

Invocation was given by Councilman Parmelee followed by the flag salute.

PRESENTATIONS

NJSACOP – Westfield Police Department Accredited Agency Certificate

Harry Delgado of the New Jersey State Association of Chiefs of Police (NJSACOP) presented the Westfield Police Department with its certificate as an accredited agency.

Tropical Storm Ida – Departmental Staff Recognition

Police Chief Christopher Battiloro, Fire Chief Anthony Tiller and Public Works Director Greg O’Neil discussed the extraordinary efforts by each of their departments during Hurricane Ida and the Police Chief also issued citations for his officers and civilian staff involved.

Town Administrator’s Update

- Provided an update on road paving and listed those roads that have been paved and those next on the schedule. In addition, discussed utility work that continues on Dudley Avenue and other work being conducted by Elizabethtown Gas. Lastly, discussed upcoming road improvements scheduled for Willow Grove Road through funding provided by a state grant.

Mayor’s remarks

Good evening, everyone. Thanks to all who are joining us in person and online tonight. If you are here in the Council Chambers with us, please note that we have added a mandatory sign in sheet, the purpose of which is to be able to effectively contact trace if the Health Department is notified of a COVID exposure within this room. Please make sure we have your name and contact information.

As a reminder, public comment will be accepted in person only. As always, the replay will also be available afterwards on Facebook, YouTube, and TV 36.

WIRC

Resident applications are open for the Westfield Infrastructure Resiliency Committee (WIRC), which I introduced at our last meeting. The WIRC, to be chaired by Councilwoman Habgood and Councilman Dardia, will be tasked with assessing our current Town wide stormwater infrastructure and its capacity to handle these severe weather events in the future, and making short and long-term recommendations for how best to fortify it, as well recommendations for ensuring we are proactively thinking about climate resiliency in everything we do going forward. The committee’s work will be significant and comprehensive, taking all contributing factors into consideration -- such as engineering and current zoning and construction practices, future development, and input from public works and finance. In addition to the several Town

professionals who will sit on the committee, we are also seeking residents for the WIRC across each ward who have relevant personal experience in local flood prone areas, and/or professional experience in engineering, flood control, infrastructure, and other relevant fields that can supplement the Town's expertise.

Applications will be accepted through Wednesday, October 6, with appointments expected to be announced at the October 12 Town Council meeting. For additional details and an online application, visit westfieldnj.gov/wirc.

NEW BUSINESS OPENINGS

I'd like to welcome our newest businesses to Town! I had the opportunity to visit Victoria's Cakes on Westfield Avenue and Wallitsch Art Gallery on Elmer Street, both of which are wonderful additions to Westfield. The Westfield Pharmacy will open shortly on Quimby, next to the new Custom Ink and across from Spice Bazaar V to open this fall.

For the ice cream lovers, we will soon welcome Surreal Creamery to the space that was previously Midtown Authentic on East Broad, as well as Salty Paws, an ice cream bar specifically for dogs that will be located in the former Omaha Steaks location.

Also coming to East Broad is Blissful Beauty, an independent cosmetics and fragrance store.

They will occupy the former Ella Allure space, after Ella Allure relocated to the Central Avenue space neighboring the new Ralph's Ices. In addition, our amazing Mimi & Hill will also be opening a pop-up location on Elm Street, across from Addams Tavern, this fall.

In speaking to the business owners I interact with regularly, they have mentioned that there is a renewed energy in our downtown, sparked by what I hope will be the end of this pandemic on the horizon.

NATIONAL VOTER REGISTRATION DAY

Today is National Voter Registration Day, and it's not too late to register to vote for the upcoming November 2 election. You can do so on The New Jersey Division of Elections website or in person at the Union County Board of Elections. Residents who already registered to vote can check their registration status by visiting the New Jersey Division of Elections website.

As a reminder, you will have three options for voting in New Jersey:

- Early voting at various locations around the county between October 23 and October 31
- Vote by Mail
- Voting at your regular polling place on Election Day

Vote by mail ballots begin going out to Westfield residents later this week so be on the lookout for the yellow envelope in your mailbox.

Full voting details are available at unioncountyvotes.com.

EDISON SCHOOL FIELDS PROJECT

Thanks to everyone who participated in last week's public input meeting regarding Edison Fields. Since then, members of the Board of Education and the Recreation Commission had a meeting to align on next steps, and the next monthly meeting between the Recreation Committee and the Neighborhood Advisory Group will take place next week.

Councilman Katz will now provide some additional details.

Comments by Councilman Katz:

Thank you Mayor. Since our Last meeting, the Neighborhood Advisory group met for the second time. We also had our third formal input and feedback session on September 20, where Russ Howell from the Recreation Commission gave a detailed presentation, and we also had held our third public input session.

The presentation addressed the many questions submitted from multiple sources, including the public input sessions, emails, Town Council meetings, and the neighborhood advisory group meetings, as well as presented the revised conceptual plan for the fields. The revised plan, along with the entire presentation, are published on our website.

During the public input session, we heard from 28 residents. Some next steps moving forward for the remainder of 2021:

- There will be monthly neighborhood advisory group meetings, with our next meeting scheduled for October 5.
- The Recreation Commission is planning on meeting with user groups.
- We are looking forward to the parking assessment from Spiegle in the beginning of December.
- I want to thank all of the residents that have chosen to have your voices heard, as you are a very important part of this process. I would also encourage all those interested to review the presentation posted on the website.]

DOWNTOWN EVENTS

Green Energy Week continues with two more upcoming events. On Wednesday night at 7:30, The Green Team is partnering with the Central Jersey Electric Auto Association for an EV 101 virtual information session. This webinar will discuss the many benefits of driving electric, including state and federal incentives, cost efficiencies, and the health and climate advantages. Sign up to receive the Zoom link at bit.ly/EV101web.

The Green Team will also host its first Alternative Energy Fair on Saturday, October 2, at the South Avenue Train Station Lot, where attendees can view electric vehicles, electric bikes, and lawn equipment, and learn all about alternative energy and sustainability programs available in Westfield. The event will also feature live music by local band Save Mary, as well as food offerings from some of Westfield's restaurants for attendees to enjoy. Full details are available on our website.

Tomorrow, we'll be hosting a job fair in partnership with the County, DWC, and Chamber of Commerce in the Community Room from 11:00 to 3:00. Job seekers in Union County will have the chance to explore job opportunities with local businesses and meet with prospective employers -- part of an effort aimed at helping employers and job seekers connect with each other. Pre-registration is required online through the Union County Department of Human Services.

And don't miss the rescheduled Girls' Night Out this Thursday night! Thanks to our downtown businesses and the DWC for organizing this annual tradition -- be sure to come out and shop local!

PROSPECT STREET

I want to thank the residents on Prospect Street who have reached out with their concerns about the placement of the double yellow lines following the recently completed paving job. As co-chair of the Raritan Valley Mayors' Alliance, I am fortunate to have a working relationship with NJ Department of Transportation Commissioner Diane Gutierrez-Scaccetti, who was here most recently with Secretary of Transportation Pete Buttigieg just last month. I reached out to the Commissioner to get clarification on what the state would allow, and was very pleased that she was in the area and able to come to Prospect Street this afternoon to meet with Councilwoman Habgood, Councilman Boyes, Chief Battiloro, Town Administrator Jim Gildea, Town Engineer Dave Battaglia and myself. I'm going to ask Councilwoman Habgood to provide an update on what we learned at that meeting today.

Comments from Councilwoman Habgood:

Thank you, Mayor. I'm very grateful that Commissioner Gutierrez-Scaccetti took the time to meet with us today on Prospect Street to address the questions we have received from residents living along that road.

To clarify, the paving of Prospect was not paid for by the Town, but was funded through the New Jersey State Transportation and Trust Fund Grant. Our former Town Engineer, who had many years of experience in overseeing our road resurfacing program, submitted the project's plans for state approval with the understanding that, due to that funding, the state's marking guidelines for a collector road must apply.

The Mayor, Councilman Boyes, and I have been fielding a number of understandable questions and concerns in Ward 1 about the double yellow line striping. Today, Commissioner Gutierrez-Scaccetti graciously offered the State's DOT's Traffic Division resources to obtain the average daily traffic count on Prospect – a process we had already begun last week with Town equipment, but we will gladly rely instead on an independent analysis as the basis of our decisions. She is asking a state team to come out and install them this week.

If the data determines that we have the discretion to remove the yellow lines, the Commissioner offered state funding to do so, which we very much appreciate. I think we all agree that safety comes first and that will be our main priority. If the data gives us discretion, and only with the support of the police, we are prepared to ask the state to remove the yellow lines. I will continue to keep the Prospect Street neighborhood updated as we undergo this process driven by data and with the support of the State's DOT Commissioner. I want to echo the Mayor's thanks to the area residents who have expressed their concerns, and I'm pleased that we had the opportunity today to speak on their behalf.

TONIGHT'S AGENDA

We have another busy agenda tonight, which includes an ordinance on second reading to address the issue of renting out private property amenities, including backyard swimming pools, as well as one to increase fines for bias crimes, from what was previously up to \$200 per violation to up to \$2,000 per violation.

We also have some public safety items on the agenda -- extending some existing no parking areas on Central Avenue by Washington Street and on South Avenue by Tuttle Parkway to create better lines of sight, adding a handicap space on Cacciola Place, and, importantly, awarding a contract to begin the much needed lighting repairs in Mindowaskin Park.

Comments from the Police Chief:

- Provided an update on auto thefts in Westfield and announced that a vehicle was stolen this morning. Discussed the importance of removing valuables and fobs from vehicles and to always lock vehicles. Explained that until this behavior changes, thieves will continue to target Westfield.
- Provided an update on the crossing guard program and stated that the Town continues to work with the vendor who provides management services for the program. Explained that the vendor does not recommend the elimination of posts. A determination of post locations is based upon data provided to the vendor by the Town. Discussed the need to downsize the number of crossing guard posts due to insufficient staffing. Assured all that it is not a cost savings measure. The reduction in posts is necessary to maintain operation of the program. Also explained that the Police Department does not have the manpower to cover school posts when crossing guards are unavailable.

Mayor Brindle concluded her remarks as follows:

With that, let's get to work. I want to remind everyone that I will be enforcing Robert's Rules this evening to ensure we stay on topic and the meeting runs efficiently.

APPOINTMENTS

PRESENTATIONS

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2223

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13, MOTOR VEHICLES AND TRAFFIC

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2224

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF WESTFIELD TO INCREASE FINES FOR BIAS CRIMES

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2225

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF WESTFIELD TO ADDRESS THE RENTAL OF AMENITIES

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2226

AN ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2227

AN ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE TOWNSHIP OF CLARK AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHES OF GARWOOD, KENILWORTH AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CRANFORD, SPRINGFIELD AND WOODBRIDGE

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, “GENERAL ORDINANCE NO. 2223 - AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13, MOTOR VEHICLES AND TRAFFIC ” by Councilman Dardia, seconded by Councilwoman Mackey, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood Parmelee Katz Mackey Contract Dardia Boyes Mayor Brindle	Nays: None	Absent: LoGrippo
---	------------	------------------

An ordinance entitled, “GENERAL ORDINANCE NO. 2224 - AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF WESTFIELD TO INCREASE FINES FOR BIAS CRIMES ” by Councilman Parmelee, seconded by Councilman Boyes, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood Parmelee Katz Mackey Contract Dardia Boyes Mayor Brindle	Nays: None	Absent: LoGrippo
---	------------	------------------

An ordinance entitled, “GENERAL ORDINANCE NO. 2225 - AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF WESTFIELD TO ADDRESS THE RENTAL OF AMENITIES” by Councilman Parmelee, seconded by Councilman Katz, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood Parmelee Katz Mackey Contract Dardia Boyes Mayor Brindle	Nays: None	Absent: LoGrippo
---	------------	------------------

An ordinance entitled, “GENERAL ORDINANCE NO. 2226 – AN ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY” by Councilman Parmelee, seconded by Councilman Boyes, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood Parmelee Katz Mackey Contract Dardia Boyes Mayor Brindle	Nays: None	Absent: LoGrippo
---	------------	------------------

An ordinance entitled, “GENERAL ORDINANCE NO. 2227 – ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE TOWNSHIP OF CLARK AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHES OF GARWOOD, KENILWORTH AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CRANFORD, SPRINGFIELD AND WOODBRIDGE” by Councilman Parmelee, seconded by Councilwoman Habgood, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood
 Parmelee
 Katz
 Mackey
 Contract
 Dardia
 Boyes
 Mayor Brindle

Nays: None

Absent: LoGrippo

BIDS

**TOWN OF WESTFIELD
 INVITATION TO BID
 WEDNESDAY, SEPTEMBER 21, 2021
2021 COLLECTION OF LEAVES**

Bidder

Amount of Bid

Jesco, Inc.	Part A – N/A
118 St. Nicholas Avenue	Part B – \$63.00 (5)
South Plainfield, NJ 07080	Alt – N/A
Elite Trucking & Rigging	Part A – \$86.00
P.O. Box 948	Part B – N/A
Hopatcong, NJ 07843	Alt – \$86.00
Messercola	Part A – \$84.75 (1)
549 East Third Street	Part B –
Plainfield, NJ	Alt – 85.00
Ameritico Disposal Inc.	Part A – \$84.50 (3)
2295 South Ave	Part B – N/A
Scotch Plains, NJ 07076	Alt – \$80.00
Galbraith	Part A – \$85.00 (2)
831 Raritan Road	Part B –
Scotch Plains, NJ 07076	Alt – \$87.50

MINUTES

On a motion by Councilwoman Mackey and seconded by Councilman Darida, Council approved the Minutes of the Town Council Conference Session and Regular Meeting held September 14, 2021.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Erik Elfstrum, 62 Mohawk Trail, President of Westfield Lacrosse, discussed the recent meeting at which a presentation of the revised plan for Edison School field improvements was given. Feels tremendous feedback was provided by residents. Discussed the number of fields needed for a municipality the size of Westfield and feels there has been amazing collaboration between the Town and Board of Education on this issue. Believes all who attended this meeting agreed that Westfield is in need of more all-purpose fields. Also feels the proposed project at Edison School is a “good first step”. Discussed field lighting proposed as part of the project and feels it is needed to provide increased capacity to limit the need for Westfield teams to travel to other communities to both compete and practice. Also feels it is important that new lighting technology focuses lighting on the field and limits “spillage” in the neighborhood. Referred to a well-maintained grass field complex in Maryland and explained that those fields are well-maintained because their use is limited. While he believes that all in Westfield would prefer grass fields to artificial turf, feels maintaining grass fields with the use they get in Westfield is unrealistic. In addition, explained that while the project at Edison School is a good first step, believes field improvements at other locations in Town are needed to increase capacity to the level a community of Westfield’s size requires. Lastly, discussed the feedback he received from the Lacrosse membership and believes it is important for those who oppose the project to understand the collaboration that is needed.

Greg Lehmborg, 528 Grove Street, discussed his comments during the first public meeting for the Edison School field improvement project held on July 14. During his comments, he outlined what he believed to be the most egregious components of the proposed project, with the first being stadium lighting in a residential neighborhood. Explained that the lights themselves are only “the tip of the iceberg” and enable other activity such as noise, traffic, and safety issues which he feels are unnatural and destructive to the local environment. Referenced the Parks and Recreation Strategic Plan which also recommended that field lighting be installed in locations furthest from residential neighborhoods. The second point in his outline was that no neighborhood should bear the brunt of athletic field expansion for the entire Town. Stated that he understands that projects in other areas of Town are being considered but believes even the revised project at Edison School places an unfair burden on the neighborhood because Kehler Field is also located in the area. Suggested that the Letter of Intent between the Town and the Board of Education be expanded to include multiple school fields. The third point in his outline related to the project’s reliance on synthetic turf which he feels creates environmental, health, cost and safety issues, and according to benchmarks indicated in the Parks and Recreation Strategic Plan, the Town is already overserved with synthetic turf fields. In addition, synthetic turf fields conflict with Westfield’s aspirations to be “green”. Believes taxpayers deserve to see a proper capacity study conducted which considers advances in grass field design, grass varieties, organic maintenance and playable hours. Discussed a grass field complex in Minnesota which he feels is phenomenal and believes the Town needs to rely on experts who have experience in maintaining heavily used organic fields before moving forward with artificial turf. Lastly, stated that despite the reduction in scope, the revised proposal for Edison School does not address the three (3) “egregious” components he outlined.

Tim Eaton, Knollwood Terrace, discussed the recognition of public safety personnel earlier this evening and the Town’s responsibility to protect the safety of all residents. Expressed concern with the project proposed at Edison School, despite its reduction in scope, and its impact to the surrounding neighborhoods. Discussed environmental and health concerns associated with artificial turf and does not feel lighting should be the solution for increasing field capacity. Believes lights would create noise, traffic and excess parking issues and would ruin the surrounding neighborhoods of Edison School, and if a project is proposed in another location, feels it would ruin those neighborhoods as well. Feels a multi-location solution without lights needs to be found, which would address the need for field capacity without impacting residential neighborhoods.

Jane Tsai, 2 Normandy Drive, stated that she is a retired chemical engineer and spent 10 years studying the processing of butyl rubber and discussed its composition. Explained that the synthetic field industry is not regulated and that the infill as well as the plastic grass used for synthetic turf contain chemicals that cause health issues. Stated that there is data from samples from the artificial turf at Kehler Field that shows lead dust and that a recommendation was issued to users of Kehler Fields to wet the field down to suppress the dust. However, wetting down the field then causes lead to flow into drinking water. Feels users of Kehler Field need to be encouraged to conduct aggressive hand and body washing after playing on the field, and to remove clothes that were worn during play on the field inside out. Also discussed the issue of maintaining synthetic fields in accordance with manufacturers’ guidelines and explained that

these guidelines differ because there are no regulations for synthetic turf. Feels the Town needs to be responsible and should not move forward with something that is irreversible. Expressed concern for the students of Edison School who might use the synthetic turf fields during the day without an opportunity to wash after playing on the field. Urged the Town Council to think about this issue carefully.

Sean Smith, 605 Westfield Avenue, mentioned that he was late to the meeting because he was in Edison with his son for soccer practice. Referred to the fields in Maryland referenced by Mr. Elfstrum and stated that that complex has gone bankrupt multiple times and has only survived because it has a private benefactor that donates \$2-3 million dollars each year toward its maintenance. Stated that most large natural grass facilities do not survive due to the high cost of maintenance and because their maintenance requires that they be taken out of use. Also explained that these facilities are typically for-profit and generate hundreds of thousands of dollars renting its fields to teams. Discussed his support for the project at Edison School and while some who oppose the project expressed concern that it would allow children to play “pickup” games after school, he feels children playing outside should be viewed as something positive. Discussed the current condition of Westfield’s playing fields and safety concerns associated with grass fields when they are not properly maintained. Also stated that he recently learned that flooding issues that occurred behind Edison School were attributed to the condition of the grass fields located there. Stated that while he appreciates the concerns of those who are opposed to synthetic turf and lighting, feels a project without artificial turf and lighting is unrealistic. Explained that the Town’s recreation programs are run by non-profit groups and parents. Discussed all that is required with running these programs and explained that parents would not advocate for something that would be harmful to children, especially when their own children are involved. Feels the project proposed at Edison School is a good first step but is not enough because it only brings the number of multipurpose fields in Town to four (4), while the Parks and Recreation Strategic Plan recommended eight (8) multipurpose fields in Westfield due to the Town’s size. Also discussed football practice at Tamaques Park where parents use car headlights to light up the fields. Feels that is not acceptable. Stated that the Town Council was elected to make decisions and implored them to move forward. Lastly, referred to the recognition of Police, Fire and DPW personnel earlier this evening and thanked them for their efforts and assistance during Tropical Storm Ida.

Jean Lehmborg, 528 Grove Street, discussed the proposed project at Edison School. Stated that she is an art teacher in the Westfield schools and has come to know hundreds of children during her tenure. Feels they all deserve to play on athletic fields that are safe and do not contribute to the climate change crisis, and believes the revised project proposed for Edison School does not meet these criteria. Also feels the original project is nearly identical to the revised proposal that was presented last week, with the only differences being additional lighting and a prefabricated restroom facility as opposed to a cinderblock building. Stated that all of the concerns she raised during the August 10 and September 14 Town Council meetings were not addressed and continue to exist. Also stated that some may consider her assessment to be harsh and expressed her appreciation to those who have volunteered their time to find a solution to Westfield’s athletic playing field shortage. Discussed the proposed project’s conflict with green building standards and the Town’s Sustainable Jersey certification. Also expressed concern with the lighting component of the project and explained that while she understands that new lighting technology minimizes the impact to the neighborhood, believes residents would still be impacted by the “unnatural glow” and glare as the lights reflect off the turf. In addition, feels those in the neighborhood would be subjected to coaches shouting and whistles, “blaring” athletes, yelling and cheering spectators, car doors slamming and motors revving, all after dark when children should be sleeping, and adults should be entitled to peace and quiet. Discussed a statement during the September 20 public meeting at which it was highlighted that the Town, Board of Education and Recreation Commission have a strong track record of being good partners and neighbors in a very densely populated and developed town. Stated that she does not agree with that statement, and, in her experience, noise has been a long-standing issue for the residents who live in the vicinity of Kehler Field. Discussed “boom boxes” and PA systems that can be heard with all windows and doors closed. While she has expressed these concerns to those running for Town Council, she was told that the Town cannot control the issue because Kehler Field is the Board of Education’s property. Also discussed an issue with a pool rental on Carleton Road and the ordinance the Town Council adopted to prohibit this activity. Despite that action, believes the Town is willing to allow stadium lighting in a residential neighborhood. Also referred to the revised project that would leave 40% of the fields at Edison School as natural grass for students to use at recess and during physical education classes. Stated that the natural grass area is proposed for the varsity baseball field which is at the furthest corner away from the school and is

surrounded by a chain link fence. Also believes the revised project does not address the environmental concerns that she and other residents have raised. Referenced the scientific studies she discussed at previous Town Council meetings and stated that the reduction in the scope of the project at Edison School still allows for the replacement of nearly six acres of natural grass with synthetic turf, which is in direct opposition to recommendations of the world's climate scientists due to the carbon dioxide, greenhouse gases and other pollutants that have been linked to synthetic turf. Also discussed the off-gassing of methane related to synthetic turf and stated that scientists have drawn a strong correlation between rising global temperatures, heatwaves, deadly fires and severe tropical storms, such as Tropical Storm Ida, with methane off-gassing. In addition, discussed a study involving 10,000 young people from ten (10) countries, including the United States, which indicated that the world's youth is extremely concerned with climate change and feel "betrayed" by their government's failure to reduce carbon emissions, with the lead author of the study stating that the results paint a "horrific" picture of widespread anxiety in children and young people. In addition, a recent Wall Street Journal article stated that children would live through three (3) times as many climate disasters as their grandparents, referred to as the "intergenerational inequality" of the climate change crisis. Referred to another study which discussed the moral responsibility of all levels of government to act to avoid climate change. Stated that she hopes the Town would install organically maintained natural grass athletic fields without lights throughout the Town. While she understands that it would not be an easy task, feels it is doable and that there are residents and experts in grass athletic fields management who are willing to assist. Feels this is an opportunity for the Town to play a role in mitigating the climate change crisis and set an example for other municipalities throughout New Jersey as well as the country and possibly the world.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

Mayor Brindle thanked all residents for their comments and input. Believes there is a lot of passion on both sides of this issue and feels all can agree that there is a shortage of fields in Westfield. Also feels that this problem has existed for twenty (20) years, so if there were an easy solution, it would have been solved already. Stated that she hopes all can understand that the Town is attempting to do what is in the best interest of all residents, which would require some compromise on every side. Also stated that she hopes no one questions the integrity and the intent of what the Town is trying to accomplish. Assured all that there is much more information to be obtained and the Town would continue to engage the community to make sure needs are addressed.

BILLS AND CLAIMS

On motion by Councilwoman Habgood, and seconded by Councilman Katz, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$333,772.11 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilwoman Habgood and seconded by Councilman Katz, were unanimously adopted.

Resolution No. 212

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Trina Childs	Tennis/Rec	Refund	\$90.00

274 Canterbury Road Westfield, NJ07090	T-05-600-071	Adult Pickleball - Fall 2021 Charles Childs/Intermediate - Session 2	
Darren Kimelman 621 Girard Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Middle School Ultimate-Fall 2021 Ryan Kimelman/6 th grade	\$135.00
James Weinberg 834 New England Drive Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Youth Tennis/Fall 2021 Devin Weinberg/Level 1/Tue/5 pm	\$121.00
Larry Budnick 838 Nancy Way Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Adult Pickleball/ Beginner/Fall 2021 Larry Budnick - Session 1 - \$90.00 Karen Budnick – Session 1 - \$90.00	\$180.00
Steven Zajac 2643 Deer Path Scotch Plains, NJ 07090	Tennis/Rec T-05-600-071	Refund Elementary Ultimate/Fall 2021 Cooper Zajac	\$105.00
Carmen Lendvay 45A Sandra Circle Apt 4 Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Tai Chi/Fall 2021 Session 1 Carmen Lendvay	\$36.00
Severin Bukiet 221 Ayliffe Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Middle School Ultimate / 7 & 8 grade Benjamin Bukiet-Beker	\$135.00

Resolution No. 213

WHEREAS, Ralph A. Ceres placed the required cash bond of \$1500.00 to cover the Road Opening Permit #20-150 for 523 Kimball Turn; and

WHEREAS, Ralph A. Ceres is entitled to have this amount to be returned, and

WHEREAS the Town Engineer has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED that the Treasurer be authorized to draw a warrant in the name of Ralph A. Ceres for \$1,500.00 and forward to 523 Kimball Turn, Westfield, NJ 07090.

Resolution No. 214

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2021:

Block/Lot/Qualifier	Property Address	Quarter/Year
Name		Amount
4002/10.02/C0001	209 Livingston Street	3 rd /2021
Corelogic Tax Services / Citizens Home Loans		\$2,478.03
Attn: Refunds		
3001 Hackberry		
Irving, TX 75063		

Resolution No. 215

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2019 pursuant to the Tax Court of New Jersey:

Block/Lot	Address	Year	Amount
Name			
308/11	17 Burrington Gorge	2019	\$509.55

Ventura, Miesowitz et al Trust Account
783 Springfield Avenue
Summit, New Jersey 07901-2332

Resolution No. 216

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the municipality of Westfield wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the municipality of Westfield, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

Resolution No. 217

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$3,000.00, which is now available from the Plug-in America, EV/E Bike Event; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations

Public and Private Programs Offset by Revenues

Plug-in America EV/E Bike Event	\$3,000.00
---------------------------------	------------

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Resolution No. 218

WHEREAS, it is the policy of the Town of Westfield to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the Town Council of the Town of Westfield has determined that there is a continuing need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that the Employee Manual & Personnel Policies and Procedures Manual is hereby adopted.

BE IT FURTHER RESOLVED that the personnel policies and procedures shall apply to all Town officials, appointees and employees. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the policies and procedures shall prevail.

BE IT FURTHER RESOLVED that the firm of Apruzzese, McDermott, Mastro & Murphy, P.C. (Frederick Danser, Esq. & Arthur R. Thibault Jr., Esq.) have been previously appointed as Employment Attorneys to advise the Town in personnel matters.

BE IT FURTHER RESOLVED that the Town Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Employment Attorney shall assist the Town Administrator in the implementation of the policies and procedures in this manual.

Resolution No. 219

WHEREAS, Bentley Westfield LLC owns and rents property located at 501 SOUTH AVE, APT 210, WESTFIELD, NJ 07090 which is property is governed by the statutes, ordinances, rules and regulations restricting use of the property as an Affordable Housing Inclusionary Project; and

WHEREAS, tenants can request Affordability Assistance Program grants from the Affordable Housing Trust Fund as has been authorized and mandated by the court approved Spending Plan which governs the use of those funds; and

WHEREAS, the Town is obligated to extend a grant as provided for in the Town's Affordability Assistance Policies and Procedures Manual after review and approval by the Town's Affordable Housing Administrative Agent, and

WHEREAS, the funding for the grant will be from the Town of Westfield Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED by the Town of Westfield Town Council, County of Union, State of New Jersey, that:

1. The appropriate Town officials are hereby authorized to execute an Affordability Assistance Program grant with the owner/ renter of Affordable Housing units located at 501 SOUTH AVE, APT 210, WESTFIELD, NJ 07090 as approved by the Town's Affordable Housing Administrative Agent.

The Mayor, Administrator, Clerk, Town Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the grant.

Resolution No. 220

WHEREAS, Bentley Westfield LLC owns and rents property located at 501 SOUTH AVE, APT 211, WESTFIELD, NJ 07090 which is property is governed by the statutes, ordinances, rules and regulations restricting use of the property as an Affordable Housing Inclusionary Project; and

WHEREAS, tenants can request Affordability Assistance Program grants from the Affordable Housing Trust Fund as has been authorized and mandated by the court approved Spending Plan which governs the use of those funds; and

WHEREAS, the Town is obligated to extend a grant as provided for in the Town's Affordability Assistance Policies and Procedures Manual after review and approval by the Town's Affordable Housing Administrative Agent, and

WHEREAS, the funding for the grant will be from the Town of Westfield Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED by the Town of Westfield Town Council, County of Union, State of New Jersey, that:

1. The appropriate Town officials are hereby authorized to execute an Affordability Assistance Program grant with the owner/ renter of Affordable Housing units located at 501 SOUTH AVE, APT 211, WESTFIELD, NJ 07090 as approved by the Town's Affordable Housing Administrative Agent.

The Mayor, Administrator, Clerk, Town Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the grant.

Resolution No. 221

WHEREAS, Bentley Westfield LLC owns and rents property located at 501 SOUTH AVE, APT 213, WESTFIELD, NJ 07090 which is property is governed by the statutes, ordinances, rules and regulations restricting use of the property as an Affordable Housing Inclusionary Project; and

WHEREAS, tenants can request Affordability Assistance Program grants from the Affordable Housing Trust Fund as has been authorized and mandated by the court approved Spending Plan which governs the use of those funds; and

WHEREAS, the Town is obligated to extend a grant as provided for in the Town's Affordability Assistance Policies and Procedures Manual after review and approval by the Town's Affordable Housing Administrative Agent, and

WHEREAS, the funding for the grant will be from the Town of Westfield Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED by the Town of Westfield Town Council, County of Union, State of New Jersey, that:

1. The appropriate Town officials are hereby authorized to execute an Affordability Assistance Program grant with the owner/ renter of Affordable Housing units located at 501 SOUTH AVE, APT 213, WESTFIELD, NJ 07090 as approved by the Town's Affordable Housing Administrative Agent.

The Mayor, Administrator, Clerk, Town Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the grant.

Resolution No. 222

WHEREAS, the Town of Westfield is in need of electric service repairs at the Mindowaskin Park Bandstand, as well as park site lighting, including conduit and wire installation at Mindowaskin Park; and

WHEREAS, quotes were requested for this service, with a submission by Foggia Trinity Electric, LLC (FTE), 1759 East Second Street, Scotch Plains, New Jersey 07076 at an amount not to exceed \$42,850; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the request for quotes; and

WHEREAS, the Town Treasurer has certified to the availability of adequate funds for payment, which will be charged to Special Ordinance 2203, account C-07-16-206-00D, under Purchase Order No.21-03112 and prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield as follows:

1. Foggia Trinity Electric, LLC (FTE) be and hereby is awarded a contract for services as described above; and
2. The term of the contract will be for one (1) year; and
3. The proper Town Officials be and hereby are authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

Public Safety, Transportation and Parking Committee

General Ordinance No. 2228

Regarding the following ordinance, Councilman Dardia made the following announcement:
I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2228 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13, MOTOR VEHICLES AND TRAFFIC"

The motion was seconded by Councilman Boyes.

General Ordinance No. 2228 was approved by the following vote of all present upon roll call as follows:

Yeas:	Habgood	Nays: None	Absent: LoGrippo
	Parmelee		
	Katz		
	Mackey		
	Contract		
	Dardia		
	Boyes		
	Mayor Brindle		

Heretofore introduced, General Ordinance No. 2228 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 12th day of October 2021 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Code Review & Town Property Committee

The following resolution, introduced by Councilman Parmelee and seconded by Councilman Katz, was unanimously adopted.

Resolution No. 223

RESOLVED that the following application for children's amusement devices be approved:

Funster Entertainment	Block Party	Lori Cieckiewicz
306 16th Street	September 25, 2021	532 Edgar Road
Union City NJ 07087	Edgar Road	Westfield NJ, 07090
	Westfield, NJ	

Public Works Committee

The following resolution, introduced by Councilman Katz and seconded by Councilman Dardia, was unanimously adopted.

Resolution No. 224

WHEREAS, a need exists for the contract rental of privately owned equipment for use by the Department of Public Works in the 2021 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, sealed bids were received on Tuesday, September 21, 2021, and

WHEREAS, the low bids received for **Part A – Hauling from the Street** (30 Cubic Yard Capacity (MINIMUM) Dump Trailers or Roll-off Containers with operators) have been analyzed and found to be fair and reasonable for the rental of this service; and

WHEREAS, the low bid received for **Part B - Loaders**, has been analyzed and found to be fair and reasonable for the rental of this service, and

WHEREAS, the Town received multiple bids for **Alternate A-1 – Hauling from the Street** (Tri-Axle Dump Trucks), however, has chosen not to award a contract for this item at this time; and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Public Works account 137-246, in a total amount not expected to exceed \$170,000.00.

NOW THEREFORE BE IT RESOLVED, that the following contracts be awarded, and that the proper Town Officials be, and they are hereby, authorized to act as appropriate in the execution and discharge of this contract

PART A**AMERITICO DISPOSAL, INC.**

2295 South Avenue

Scotch Plains, NJ 07076

Hauling from Street/Trucks w/operators (3) at \$84.50/HR,
not
expected to exceed \$40,000.00

MESSERCOLA

549 East Third Street
not
Plainfield, NJ 07060

Hauling from Street/Trucks w/operators (1) at \$84.75/HR,
expected to exceed \$40,000.00

FRANK GALBRAITH & SON

831 Raitan Road
not
Scotch Plains, NJ 07076

Hauling from Street/Trucks w/operators (2) at \$85.00/HR,
expected to exceed \$40,000.00

PART B

JESCO, INC.

expected to
1790 Route 38
Mount Holly, NJ 08060

Front End Loaders w/o Operators (5) at \$63.00/HR, not
exceed \$50,000.00

ADJOURNMENT

A motion to adjourn, made by Councilwoman Mackey and seconded by Councilman Parmelee at 9:52 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk